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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,098	03/31/2004	Luis Cavada	074104.0114	6577
31625	7590	09/28/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,098

Applicant(s)

CAVADA ET AL.

Examiner

Quang T. Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/4/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 34-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Teich et al (US 4,441,002). Teich discloses, figure 5, a cooked-by-weight microwave oven comprising a heater (14) generating a specific cooking characteristic; and an intelligent user interface (32) for controlling the heater, wherein the intelligent user interface (32) can be programmed by a user according to parameters (20, 63, others analog inputs) for a cooking appliance with a known cooking characteristic and wherein the intelligent user interface (32) converts said parameters into suitable parameters for said heater (col. 7, lines 44-48).

3. Claims 1, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Maher, Jr. (US 5,809,994). Maher discloses an electronic control system for heating apparatus comprising a heater (42 or 10) generating a specific cooking characteristic; and an intelligent user interface (20) for controlling the heater, wherein the intelligent user interface (20) can be programmed by a user according to parameters (col. 7, lines 50-52) for a cooking appliance with a known cooking characteristic and wherein the intelligent user interface (20) converts said parameters into suitable parameters for said heater (col. 7, lines 52-62).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6, 9-14, 16-17, 20-21, 34, 36-39, 42-47, 49-50 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teich et al (US 4,441,002) in view of Kume et al (US 6,013,908). Teich discloses substantially all features of the claimed invention except a display screen and control switches. Kume discloses a display screen (25) and control switches (22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Teich a display screen as taught by Kume in order to display the plurality of predefined food cooking profile and control switches also taught by Kume in order to select a desired predefined food cooking profile from the plurality of predefined food cooking profiles.

6. Claims 7-8 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teich et al (US 4,441,002) in view of Kume et al (US 6,013,908) and further in view of Chun (US 20020144995). Teich/ Kume disclose substantially all features of the claimed invention except the display screen by scrolling a list of the plurality of predefined food cooking profiles. Chun'995 discloses a microwave oven having display screen by scrolling a list of the plurality of predefined food cooking profiles (page 4, par. 0054 and par. 0055). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Teich/ Kume a microwave oven having

display screen by scrolling a list of the plurality of predefined food cooking profiles as taught by Chun'995 in order to select the favorite predefined food.

7. Claims 15, 22-23, 48, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teich et al (US 4,441,002) in view of Kume et al (US 6,013,908) and further in view of Hirata et al (US 6,097,016). Teich/ Kume disclose substantially all features of the claimed invention except a cookies control switch. Hirata discloses cooking apparatus having a cookies control switch (figures 3B, 3C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Teich/ Kume a cookies control switch as taught by Hirata in order to initiate a cookies cooking profile. With regard to claims 23 and 56, the turkey bake-roast cooking profile. Hirata discloses only chicken bake-roast cooking profile, but does not disclose the turkey bake-roast cooking profile. It would have been obvious to one having ordinary skill in the art to make a cooking profile as a turkey bake-roast cooking profile. Doing so would improve the cooking profile for user having variety of food selection.

8. Claims 18-19, 29-32, 51-52, 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teich et al (US 4,441,002) in view of Kume et al (US 6,013,908) and further in view of Carlson et al (US 4,580,025). Teich/ Kume disclose substantially all features of the claimed invention except a reheat control switch. Carlson discloses microwave oven having a reheat control switch (150, col. 10, lines 57-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Teich/ Kume a reheat control switch as taught by Carlson in order to initiate a menu of a plurality of reheat cooking profiles to be displayed.

9. Claims 33 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teich et al (US 4,441,002) in view of Kume et al (US 6,013,908) and Carlson et al (US 4,580,025) and further in view of Dills (US 4,093,841). Teich/ Kume /Carlson disclose substantially all features of the claimed invention except measure thickness of a food to be cooked when the selected convert-menu cooking profile. Dills discloses measure thickness of a food to be cooked when the selected convert-menu cooking profile (col. 1, lines 45-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Teich/ Kume /Carlson measure thickness of a food to be cooked when the selected convert-menu cooking profile as taught by Dills in order to cook the food with appropriate cooking time and temperature.

10. Claims 24-28, and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teich et al (US 4,441,002) in view of Kume et al (US 6,013,908) and further in view of Bales et al (US 6,486,453). Teich/ Kume disclose substantially all features of the claimed invention except a broil control switch. Bales disclose oven having control switch for selecting cooking mode such as bake, roast, broil and toast etc... and an appropriated temperature is selected to suitable for each kind of food (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Teich/ Kume a broil control switch as taught by Bales in order to initiate a menu of plurality of broil cooking profile to be displayed and then selects one for broiling.

Response to Amendment

11. Applicant's arguments with respect to claims 1-66 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QV

QV

September 21, 2005



Quang T Van
Primary Examiner
Art Unit 3742